

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

EDEN PINO, LESTER MONCADA, and WALTER
ULLOA, on behalf of themselves and all others
similarly situated,

Plaintiffs,

– against –

HARRIS WATER MAIN & SEWER
CONTRACTORS, INC., STEVEN KOGEL,
individually, and BRETT KOGEL, individually,

Defendants.

Case No. 17-cv-5910 (KAM)(RER)

**NOTICE
OF PLAINTIFFS' MOTION FOR
CONDITIONAL CERTIFICATION**

PLEASE TAKE NOTICE, that upon the following memorandum of law, the declaration of Tara Toevs Carolan, Esq. ("Carolan Decl."), the accompanying declarations of Named Plaintiffs Eden Pino, Lester Moncada, and Walter Ulloa ("Plaintiffs"), and opt-in plaintiff Ariel Mendoza, and all pleadings and supporting materials filed herein, Plaintiffs hereby move this Court for an order, pursuant to 29 U.S.C. § 216(b):

1. conditionally certifying a collective action;
2. authorizing the distribution of the proposed collective action Notice, via first class mail and electronic mail, in English and Spanish with the proposed Consent form in English and Spanish (copies of which are attached in English at **Exhibits B** and **C**, respectively, to the Carolan Decl.) to all current and former non-exempt crew member/field workers who worked for Defendants at any time within the six years prior to the filing of the Complaint through the date of any order granting conditional certification;
3. authorizing the posting of the proposed collective action Notice in English and Spanish with copies of the proposed Consent form in English and Spanish (copies of which are attached in English at **Exhibits B** and **C**, respectively, to the Carolan Decl.) in conspicuous places at Defendants' place of business;
4. authorizing the distribution of the proposed Deadline Reminder and Consent form, via first class mail and email, in English and Spanish (copies of which are attached in English at **Exhibits D** and **C**, respectively, to the Carolan Decl.), and;
5. directing Defendants to produce, in an agreed-upon electronic format, the names, last known addresses, telephone numbers (both home and mobile), e-mail addresses, and

dates of employment of all current and former non-exempt crew member/field workers, who worked for Defendants at any time within the six years prior to the filing of the Complaint through the date of any order granting conditional certification, within ten (10) calendar days of any order granting conditional certification.

Dated: New York, New York
February 23, 2018

TARTER KRINSKY & DROGIN LLP
Attorneys for Plaintiffs

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